

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,

Plaintiff,

vs.

Daddyboy Davis,

Defendant.

)
)
)
)
)
)
)
)
)

Case No. 3:22-cr-206

ORDER

A criminal complaint charged Daddyboy Davis with controlled substance crimes. He was arrested in the District of Arizona, where he was residing, and appeared before a magistrate judge there for an initial appearance and a later detention hearing. The Arizona magistrate judge ordered that Davis be detained pending trial. (Doc. 5-2). Davis moved for reconsideration of that order in this district, seeking release to a residential reentry center. The court denied that motion in a March 9, 2023 order. (Doc. 31).

On June 14, 2023, Davis again moved for reconsideration of detention, seeking release to one of two substance abuse treatment programs to which he has been accepted. (Doc. 34). The court held a hearing on that motion on June 26, 2023. Both proposed programs are faith-based, and Davis proffered evidence that he has taken steps available to him while detained to prepare him for either program.

The United States opposed the motion. In addition to arguments it had raised in response to the earlier motion, the United States proffered evidence of multiple incident reports documenting Davis' violation of rules of Cass County Jail, where he is currently detained. Davis argued his aggressive behaviors resulted from an earlier incarceration in an unrelated case and similar behaviors would be controlled in the supportive environment a treatment facility would provide.

Davis' attempts to prepare for substance abuse treatment are admirable, and the court does not question his desire or motivation to obtain treatment. But the pretrial services officer advised Davis is subject to warrants in the State of Arizona because of alleged violation of conditions of probation. Under policies of both proposed substance abuse treatment programs, a person subject to out-of-state warrants is not allowed to participate in the treatment program.

Although Davis' work toward, and acceptance into, the treatment programs is sufficient to rebut the presumption of detention that arises because of the nature of the charge against him, given the programs' policies, and the reports of Davis' multiple failures to follow CCJ rules, pretrial detention remains warranted. Davis' motion for reconsideration, (Doc. 34), is therefore **DENIED**.

IT IS SO ORDERED.

Dated this 27th day of June, 2023.

/s/ Alice R. Senechal

Alice R. Senechal

United States Magistrate Judge